

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

CONOR BRIAN FITZPATRICK,

Defendant.

No. 1:23-mj-67

**JOINT MOTION FOR ENTRY OF A STIPULATED PROTECTIVE ORDER**

The United States of America, by and through Jessica D. Aber, U.S. Attorney, Carina A. Cuellar, Assistant U.S. Attorney, and the defendant, by his undersigned counsel, respectfully move this Court for entry of the attached stipulated Protective Order, pursuant to Federal Rule of Criminal Procedure 16(d)(1), Federal Rule of Evidence 502(d), and Title 18, U.S. Code, Section 3771(a)(8). In support thereof, the parties state as follows:

1. During the course of the investigation, the United States has gathered or generated a number of documents, including electronic records. These documents and electronic records include, but are not limited to, business records and law enforcement investigative reports.

2. Some of these documents and records contain the confidential information and/or personal identifying information (“PII”) of alleged victims and other individuals whose compromised data was purchased and sold through BreachForums, an alleged criminal cyber forum.

3. The United States intends to produce these documents and electronic records, in accordance with the Federal Rules of Criminal Procedure, relevant case law, and any discovery order that is entered in this matter. Yet, the need to produce much of the data in its original

format makes it infeasible to make redactions.

4. Accordingly, the proposed Protective Order regulates discovery in this case by restricting the use and dissemination of documents and electronic records obtained through discovery. In sum, the proposed Protective Order prohibits the dissemination of these documents and electronic records and the information contained therein to third parties, other than as necessary for the defendant's investigation of the allegations and the preparation of the defendant's defense. In addition, the proposed Protective Order prohibits the defendant from reviewing any Protected Documents outside of the presence of certain designated individuals.

5. The defendant and his counsel have reviewed this Motion and the Protective Order, and have agreed to its terms.

WHEREFORE, the undersigned respectfully request that the Court enter the proposed Protective Order.

We ask for this:

  
Peter Katz, Esq.  
Counsel for Defendant

  
Nina Ginsberg, Esq.  
Counsel for Defendant

Jessica D. Aber  
United States Attorney

By: /s/ Carina A. Cuellar  
Carina A. Cuellar  
Assistant United States Attorney